

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

ALBERTO BORREGO,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-18-1044-D
)	
CORE CIVIC, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This matter is before the Court for review of the Report and Recommendation [Doc. No. 8] issued by United States Magistrate Judge Shon T. Erwin pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Erwin recommends the dismissal of this prisoner civil rights action upon initial screening of the Complaint [Doc. No. 1], pursuant to 28 U.S.C. § 1915A(a) and § 1915(e)(2).

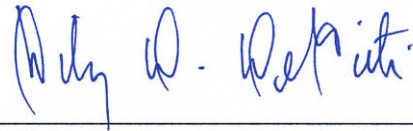
The case file shows no timely objection to the Report nor any request for an extension of time, even though Plaintiff was expressly informed of his right to object, the deadline and procedure for doing so, and the consequences of failing to object.¹ Therefore, the Court finds that Plaintiff has waived further review of all issues addressed in the Report. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). Further, for

¹ Within the time period for filing an objection, Plaintiff instead filed a Notice of Appeal to the Tenth Circuit [Doc. No. 9]. The court of appeals promptly dismissed the appeal for lack of jurisdiction. *See Borrego v. Core Civic*, No. 19-6004, Order (10th Cir. Jan. 14, 2019). Plaintiff has made no further filing.

the reasons explained by Judge Erwin, the Court finds that this action should be dismissed without prejudice as to Defendant Core Civic but with prejudice to refiling against all other Defendants, who are individuals sued in their official capacities.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 8] is ADOPTED in its entirety. This action is DISMISSED without prejudice to a future filing against Defendant Core Civic, but with prejudice to refiling an official-capacity suit against Defendants Raymond Byrd, Kimberly Sullivan, Mr. Gillespie, and Sargent Plyrd. A separate judgment of dismissal shall be entered.

IT IS SO ORDERED this 23rd day of January, 2019.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE